

ESTTA Tracking number: **ESTTA614351**

Filing date: **07/08/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91211251
Party	Plaintiff Marvel Characters, Inc.
Correspondence Address	DAVID M KELLY KELLY IP LLP 1330 CONNECTICUT AVE NW, SUITE 300 WASHINGTON, DC 20036 UNITED STATES linda.mcleod@kelly-ip.com, docketing@kelly-ip.com, david.kelly@kelly-ip.com, stephanie.bald@kelly-ip.com, larry.white@kelly-ip.com, molly.brownfield@k
Submission	Other Motions/Papers
Filer's Name	David M. Kelly
Filer's e-mail	david.kelly@kelly-ip.com, docketing@kelly-ip.com, larry.white@kelly-ip.com
Signature	/David M. Kelly/
Date	07/08/2014
Attachments	SABERTOOTH - Stipulated Request to Amend Application and Dismiss Proceeding.pdf(1186098 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MARVEL CHARACTERS, INC., Opposer v. SABERTOOTH MOTORCYCLES, LLC., Applicant.	Opposition No.: 91211251 Mark: SABERTOOTH Serial No.: 85483515 Filed: November 30, 2011
--	--

**STIPULATED REQUEST TO AMEND APPLICATION AND DISMISS
PROCEEDING WITH PREJUDICE UPON ACCEPTANCE OF AMENDMENT**

Marvel Characters, Inc., ("Opposer") and Sabertooth Motorcycles, LLC.,
("Applicant") hereby stipulate to Applicant's amendment of the identification of goods in
Application No. 85483515 to read as follows:

Articles of protective clothing for protection against accident or injury for use in motorcycling and motorsports; Audio equipment for vehicles, namely, stereos, speakers, amplifiers, equalizers, crossovers and speaker housings; Audio tapes featuring music; Automatic indicators of low pressure in tires; Automotive measuring instruments, namely, water temperature gauges, air fuel/ratio gauges, boost gauges, vacuum gauges and exhaust gas temperature gauges; Automotive testing equipment, namely, transmission testing and brake testing equipment; Backlit signs; Bags and cases specially adapted for holding or carrying portable telephones and telephone equipment and accessories; Bags for cameras and photographic equipment; Batteries and battery chargers; Battery boxes; Battery monitors; Bicycle helmets; Body armor; Camera cases; Car broadcasting tuners; Car navigation computers; Carrying cases for electronic equipment, namely, cellphones, computers; Cases for eyeglasses and sunglasses; Cases for music, audio and related electronic equipment, namely, cases for audio tuners, audio receivers, amplifiers, tape players, compact disc players, MP3 controllers/players, audio mixers, audio speakers in the nature of music studio monitors,

microphones, audio speakers, compact discs, audio tapes, portable computers, antennas, phonographic record players, audio recording equipment, and the cables associated with all of the foregoing equipment; Cellular telephones; Chargers for batteries; Clothing for protection against accidents, irradiation and fire; Computer application software for mobile phones, namely, software for smartphones that provides users the ability to remotely control features of their motor vehicle; Computer game software; Computer software and hardware for remotely monitoring motor vehicle location and systems; Computer software for operating a motor vehicle dealership; Crash helmets. Cruise controls for motor vehicles; Cruise controls for motorcycles; Downloadable electronic newsletters in the field of motorcycles, motor vehicles and motorsports; DVDs featuring motorcycles and motorsports; Electric signs; Electronic controllers for motor vehicle steering, traction and stability control; Electronic game software; Electronic publications, namely, magazines and manuals featuring motorcycles, motor vehicles and motorsports recorded on computer media; Electronic signs; Eyewear; Eyewear cases; Fridge magnets; Gloves for protection against accidents; GPS navigation device; Helmets for bicycles; Helmets for motorcyclists; Holders for compact discs; Jump start cables; Keyless entry system and keyless ignition switch system for automotive vehicles comprised of a microprocessor, electronic signal receiver, and keyfob with electronic signal transponder; Knee pads for workers; Laptop carrying cases; Life jackets; Mechanical signs; Motor vehicle to trailer electrical connectors; Motorcycle goggles; Motorcycle helmets; Mouse pads; Mousepads; Musical recordings; Neon signs; Parts for anti-theft automotive alarms, namely, electronic sensors, remote control transmitters and receivers for remotely operating land vehicles; Pre-paid telephone calling cards, magnetically encoded; Protective helmets; Protective industrial boots; Protective padded clothing for protection against bodily harm and blunt force trauma; Protective work gloves; Racing safety apparel, namely, flame retardant balaclavas; Radar detectors; Radios for vehicles; Refrigerator magnets; Safety goggles; Safety helmets; Safety products, namely, embroidered reflective patches to be worn on clothing; Safety products, namely, reflective helmet skirts; Safety products, namely, reflective safety bands to be worn on the body; Sirens; Slide boxes; Snow goggles; Speedometers; Sunglasses; Support belts for workers; Tachometers; Tire pressure gauges; Tire tread depth gauges. Vehicle locating,

tracking and security system comprised of an antenna and radio transmitter to be placed in a vehicle; Vehicle locator and recovery device programmed to use global positioning systems (GPS) and cellular telecommunications; Vehicle radios; Vehicle safety equipment, namely, back-up sensors and cameras; Vehicle safety equipment, namely, electronic tire pressure monitors; Vehicle safety equipment, namely, electronic vibration, shock, motion, angle, temperature and voltage monitors; Vehicle tracking devices comprised of cellular radio modules, computer software and computer hardware, sensors, transmitters, receivers and global positioning satellite receivers, all for use in connection with vehicle tracking, vehicle monitoring and anti-theft vehicle alarms; Vehicles breakdown warning lamps; Voltmeters; Warning triangles to indicate vehicle breakdowns; Welding helmets in Class 9.

Applicant has amended its description of goods to either delete goods or to more particularly define its goods. For the Board's convenience, the language deleted from Applicant's existing description of goods is stricken below, and the additional language is underlined below:

~~Articles of protective clothing for protection against accident or injury for use in motorcycling and motorsports; Audio equipment for vehicles, namely, stereos, speakers, amplifiers, equalizers, crossovers and speaker housings; Audio tapes featuring music; Automatic indicators of low pressure in tires; Automotive measuring instruments, namely, water temperature gauges, air fuel/ratio gauges, boost gauges, vacuum gauges and exhaust gas temperature gauges; Automotive testing equipment, namely, transmission testing and brake testing equipment; Backlit signs; Bags and cases specially adapted for holding or carrying portable telephones and telephone equipment and accessories; Bags for cameras and photographic equipment; Batteries and battery chargers; Battery boxes; Battery monitors; Bicycle helmets; Body armor; Camera cases; Car broadcasting tuners; Car navigation computers; Carrying cases for electronic equipment, namely, cellphones, computers; Cases for eyeglasses and sunglasses; Cases for music, audio and related electronic equipment, namely, cases for audio tuners, audio receivers, amplifiers, tape players, compact disc players, MP3 controllers/players, audio mixers, audio~~

speakers in the nature of music studio monitors; microphones; audio speakers; compact discs; audio tapes; portable computers; antennas; phonographic record players; audio recording equipment; and the cables associated with all of the foregoing equipment; Cellular telephones; Chargers for batteries; Clothing for protection against accidents; irradiation and fire; Computer application software for mobile phones; namely, software for smartphones that provides users the ability to remotely control features of their motor vehicle; Computer game software; Computer software and hardware for remotely monitoring motor vehicle location and systems; Computer software for operating a motor vehicle dealership; Crash helmets; Cruise controls for motor vehicles; Cruise controls for motorcycles; Downloadable electronic newsletters in the field of motorcycles; motor vehicles and motorsports; DVDs featuring motorcycles and motorsports; Electric signs; Electronic controllers for motor vehicle steering, traction and stability control; Electronic game software; Electronic publications, namely, magazines and manuals featuring motorcycles, motor vehicles and motorsports recorded on computer media; Electronic signs; motorcycle Eyewear; motorcycle Eyewear cases; Fridge magnets; Gloves for protection against accidents; GPS navigation device; Helmets for bicycles; Helmets for motorcyclists; Holders for compact discs; Jump start cables; Keyless entry system and keyless ignition switch system for automotive vehicles comprised of a microprocessor, electronic signal receiver, and keyfob with electronic signal transponder; Knee pads for workers; Laptop carrying cases; Life jackets; Mechanical signs; Motor vehicle to trailer electrical connectors; Motorcycle goggles; Motorcycle helmets; Mouse pads; Mousepads; Musical recordings; Neon signs; Parts for anti theft automotive alarms, namely, electronic sensors, remote control transmitters and receivers for remotely operating land vehicles; Pre-paid telephone calling cards, magnetically encoded; Protective helmets; Protective industrial boots; Protective padded clothing for protection against bodily harm and blunt force trauma; Protective work gloves; Racing safety apparel, namely, flame retardant balaclavas; Radar detectors; Radios for vehicles; Refrigerator magnets; Safety goggles; Safety helmets; Safety products, namely, embroidered reflective patches to be worn on clothing; Safety products, namely, reflective helmet skirts; Safety products, namely, reflective safety bands to be worn on the body; Sirens; Slide boxes; Snow goggles; Speedometers; Sunglasses; Support belts for

~~workers; Tachometers; Tire pressure gauges; Tire tread depth gauges; Vehicle locating, tracking and security system comprised of an antenna and radio transmitter to be placed in a vehicle; Vehicle locator and recovery device programmed to use global positioning systems (GPS) and cellular telecommunications; Vehicle radios; Vehicle safety equipment, namely, back-up sensors and cameras; Vehicle safety equipment, namely, electronic tire pressure monitors; Vehicle safety equipment, namely, electronic vibration, shock, motion, angle, temperature and voltage monitors; Vehicle tracking devices comprised of cellular radio modules, computer software and computer hardware, sensors, transmitters, receivers and global positioning satellite receivers, all for use in connection with vehicle tracking, vehicle monitoring and anti-theft vehicle alarms; Vehicles breakdown warning lamps; Voltmeters; Warning triangles to indicate vehicle breakdowns; Welding helmets in Class 9.~~

Opposer hereby withdraws the above-referenced opposition with prejudice,
contingent upon the Board's entry of Applicant's amendment to Application No.
85483515 as set forth above.

Respectfully submitted,

MARVEL CHARACTERS, INC.

SABERTOOTH MOTORCYCLES, LLC



David M. Kelly, Esq.
Linda K. McLeod, Esq.
KELLY IP, LLP
1330 Connecticut Avenue, N.W.
Suite 300
Washington, D.C. 20036

Date: _____

7/8/14



Ben Daniels
President
Sabertooth Motorcycles LLP
26 Lyman Road
Chestnut Hill, Ma 02467-2810

Date: _____

7/2/2014

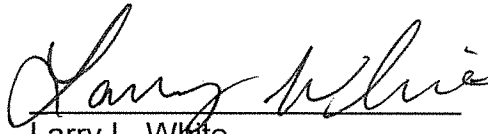
CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the forgoing STIPULATED REQUEST TO AMEND APPLICATION AND DISMISS PROCEEDING WITH PREJUDICE UPON ACCEPTANCE OF AMENDMENT was served by first class mail, postage prepaid, on this 8th day of July 2014, upon Applicant at both the following address of record in this opposition proceeding:

BEN DANIELS
SABERTOOTH MOTORCYCLES LLP
26 LYMAN RD
CHESTNUT HILL, MA 02467-2810

and the following address of record for the opposed mark:

BEN DANIELS
SABERTOOTH MOTORCYCLES LLC
5 Sachem Rd.
Needham, MA 02494


Larry L. White
Litigation Case Manager